

ASSEMBLY BILL

No. 991

Introduced by Assembly Member DeVore

February 22, 2005

An act to amend Sections 2021 and 2022 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 991, as introduced, DeVore. Mosquito abatement and vector control districts.

Existing law provides for the formation of mosquito abatement and vector control districts, provides for the appointment of a board of trustees of at least 5 members, and sets forth their powers and duties. Existing law requires appointment of the members by the county board of supervisors and the city council.

This bill would delete the authority of the city council to appoint members.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2021 of the Health and Safety Code is
- 2 amended to read:
- 3 2021. Within 30 days after the effective date of the formation
- 4 of a district, a board of trustees shall be appointed as follows:
- 5 (a) In the case of a district that contains only unincorporated
- 6 territory in a single county, the board of supervisors shall appoint
- 7 five persons to the board of trustees.

(b) In the case of a district that is located entirely within a single county ~~and contains both incorporated territory and unincorporated territory~~, the board of supervisors may appoint one person to the board of trustees, and the city council of each city that is located in whole or in part within the district may appoint one person to the board of trustees. If those appointments result in a board of trustees with less than five trustees, the board of supervisors shall appoint enough additional persons to make a board of trustees of five members.

(c) In the case of a district that contains ~~only unincorporated~~ territory in more than one county, the board of supervisors of each county may appoint one person to the board of trustees. If those appointments result in a board of trustees with less than five persons, the board of supervisors of the principal county shall appoint enough additional persons to make a board of trustees of five members.

(d) ~~In the case of a district that is located in two or more counties and contains both incorporated territory and unincorporated territory~~, the board of supervisors of each county may appoint one person to the board of trustees, and the city council of each city that is located in whole or part within the district may appoint one person to the board of trustees. If those appointments result in less than five persons, the board of supervisors of the principal county shall appoint enough additional persons to make a board of trustees of five members.

SEC. 2. Section 2022 of the Health and Safety Code is amended to read:

2022. (a) Each person appointed by a board of supervisors to be a member of a board of trustees shall be a voter in that county and a resident of that portion of the county that is within the district.

(b) ~~Each person appointed by a city council to be a member of a board of trustees shall be a voter in that city and a resident of that portion of the city that is within the district.~~

(c) ~~Notwithstanding any other provision of law including the common law doctrine that precludes the simultaneous holding of incompatible offices, a member of a city council may be appointed and may serve as a member of a board of trustees if that person also meets the other applicable qualifications of this chapter.~~

1 ~~(d)~~—It is the intent of the Legislature that persons appointed to
2 boards of trustees have experience, training, and education in
3 fields that will assist in the governance of the districts.

4 ~~(e)~~—

5 (c) All trustees shall exercise their independent judgment on
6 behalf of the interests of the residents, property owners, and the
7 public as a whole in furthering the purposes and intent of this
8 chapter. The trustees shall represent the interests of the public as
9 a whole and not solely the interests of the board of supervisors or
10 the city council that appointed them.

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